

2023 Regular Session

HOUSE BILL NO. 217

BY REPRESENTATIVE LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS: Provides relative to commissioners of the Nineteenth Judicial District Court

1 AN ACT

2 To amend and reenact R.S. 13:711, 712(B), and 713(A) and (B), relative to the
3 commissioners of the Nineteenth Judicial District Court; to provide relative to the
4 appointment of additional commissioners; to provide for the salary of the
5 commissioners; to provide for the powers and duties of the commissioners of the
6 Nineteenth Judicial District; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:711, 712(B), and 713(A) and (B) are hereby amended and
9 reenacted to read as follows:

10 §711. Nineteenth Judicial District Court; commissioners

11 A. The offices of commissioner of the Nineteenth Judicial District Court are
12 hereby created. ~~Two~~ Four commissioners shall be appointed in said judicial district,
13 such offices to be designated as Section A, ~~and Section B, respectively~~ Section B,
14 Section C, and Section D, respectively.

15 B. Each such commissioner shall be selected by a majority of the duly
16 elected judges of the Nineteenth Judicial District. A commissioner shall serve at the
17 pleasure of the court and may be removed from office by a majority of the elected
18 judges of the district. Additionally, any commissioner shall be subject to removal
19 from office for any reason for which a district judge may be removed.

1 §712. Commissioners; qualifications; salary and benefits; restrictions on
2 employment; quarters; supplies; equipment; and employees

3 * * *

4 B. The salary of ~~each commissioner~~ the commissioners in Section A and
5 Section B, in addition to any supplements or emoluments otherwise provided by law,
6 shall be ninety percent of the state-funded portion of the salary paid to a district
7 judge per annum, such salary and related benefits to be payable in the same manner
8 and from the same sources as the salary and benefits of a district judge. The salary
9 of the commissioners in Section C and Section D, in addition to any supplements or
10 emoluments otherwise provided by law, shall be ninety percent of the state-funded
11 portion of the salary paid to a district judge per annum, such salary and related
12 benefits to be payable from funds available to the Nineteenth Judicial District Court.

13 Commissioners shall be members of the State Employees' Retirement System.

14 * * *

15 §713. Commissioners; duties; powers; contempt

16 A. Commissioners of the Nineteenth Judicial District Court shall perform
17 such duties as are assigned to them by the chief judge of the district in accordance
18 with rules which shall be prescribed by the elected judges of the court, not
19 inconsistent herewith or with the constitution and laws of the state. Such duties shall
20 include but shall not be limited to hearing and recommendation of disposition of any
21 ~~civil or criminal matter~~ civil, criminal, or domestic violence matter which may be
22 assigned by rule of court or by any judge of the Nineteenth Judicial District Court,
23 and hearing and recommendation of disposition of criminal and civil proceedings
24 arising out of the incarceration of state prisoners. In such proceedings, the
25 commissioners may hold hearings at the facilities where the state prisoners are
26 incarcerated.

27 B.(1) Over matters pending in the Nineteenth Judicial District Court,
28 commissioners shall have all powers of a district judge not inconsistent with the
29 constitution and laws of the state and the United States nor with the rules of the court

1 and their assigned duties, ~~including but not limited to the powers to administer oaths~~
2 ~~and affirmations, take acknowledgements, affidavits and depositions, sign orders, act~~
3 ~~on felony and misdemeanor charges, hear preliminary motions, accept pleas in~~
4 ~~misdemeanor cases including misdemeanor cases preliminary to trial on the merits,~~
5 ~~conduct trials of misdemeanor cases, fix bail, and sign and issue search and arrest~~
6 ~~warrants upon probable cause being shown and in accordance with law. A~~
7 ~~commissioner shall not have the power to adjudicate cases, except as provided in~~
8 ~~Subsection E of this Section and except to render and sign judgments and orders~~
9 ~~confirming judgments by default after receipt of proof sufficient to establish a prima~~
10 ~~facie case as required by law. A commissioner may sign any and all orders which~~
11 ~~clerks of court are authorized to sign pursuant to Code of Civil Procedure Article~~
12 ~~283.~~

13 (2) In criminal matters, the powers and duties of the commissioners shall
14 include but are not limited to the power to:

15 (a) Administer oaths and affirmations.

16 (b) Take acknowledgments, affidavits, and depositions.

17 (c) Sign orders.

18 (d) Act on felony and misdemeanor charges.

19 (e) Hear preliminary motions prior to filing the bill of information or
20 indictment and make recommendations to the district judge.

21 (f) Fix bail.

22 (g) Sign and issue search and arrest warrants upon probable cause being
23 shown and in accordance with law.

24 (h) Conduct seventy-two hour hearings or call out. For purposes of this
25 Subparagraph, the term "call out" refers to an individual's initial appearance before
26 the criminal court judge on duty in order to appoint counsel and set or review bail on
27 each pending charge if the commissioner finds probable cause to support the charge.

1 (i) Sign waivers of extradition only upon written consent of the defendant
2 and the expressed waiver of the defendant's right to have his extradition heard by a
3 district court.

4 (j) Supervise defendants sentenced under the provisions of the specialty
5 courts in accordance with the policies established by the judges of the Nineteenth
6 Judicial District Court.

7 (k) Supervise all conditions of bail bonds.

8 (l) Review and act on petitions for protective order and matters of domestic
9 violence, including the issuance of temporary orders of protection and temporary
10 restraining orders, until such time as hearings may be conducted on the matters.

11 (m) Conduct hearings regarding protective orders and make
12 recommendations to the appropriate district judge for the issuance of a preliminary
13 or permanent injunction.

14 (3) In civil matters, the powers and duties of the commissioners shall include
15 but are not limited to the power to:

16 (a) Administer oaths and affirmations.

17 (b) Take acknowledgments, affidavits, and depositions.

18 (c) Review and act on petitions for protective orders and matters of domestic
19 violence, including the issuance of temporary orders of protection and temporary
20 restraining orders, until such time as hearings may be conducted on the matters.

21 (d) Conduct hearings regarding protective orders and make recommendations
22 to the appropriate district judge for issuance of a preliminary or permanent
23 injunction.

24 (4) A commissioner shall not have the power to adjudicate cases, except as
25 provided in Subsection E of this Section and except to render and sign judgments and
26 orders confirming judgments by default after receipt of proof sufficient to establish
27 a prima facie case as required by law. A commissioner may sign any and all orders

- (7) To conduct trials of misdemeanor cases.
- (8) To fix bail.
- (9) To sign and issue search and arrest warrants upon probable cause hearing shown and in accordance with the law.

Proposed law retains present law and authorizes the commissioner to act on felony and misdemeanor charges through arraignment, but does not authorize the commissioner to accept guilty pleas.

Proposed law authorizes the commissioner to hear preliminary motions prior to filing the bill of information or indictment and make recommendations to the district judge.

Proposed law further provides that the commissioner shall have the additional powers as follows:

- (1) Conduct seventy-two hour hearings or call out, as defined by proposed law.
- (2) Sign waivers of extradition only upon written consent of the defendant and the expressed waiver of the defendant's right to have his extradition heard by a district court.
- (3) Supervise defendants sentenced under the provisions of the specialty courts in accordance with the policies established by the judges of the 19th JDC.
- (4) Supervise all conditions of bail bonds.
- (5) Review and act on petitions for protective order and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.
- (6) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.

Proposed law provides that the commissioner shall have certain powers related to civil cases as follows:

- (1) Administer oaths and affirmations.
- (2) Take acknowledgments, affidavits, and depositions.
- (3) Review and act on petitions for protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.
- (4) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for issuance of a preliminary or permanent injunction.

(Amends R.S. 13:711, 712(B), and 713(A) and (B))